

Senate Bill 304

By: Senators Unterman of the 45th and Murphy of the 27th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, so as to mandate a minimum age for the prosecution of the offenses of prostitution and masturbation for hire; to provide for matters related to prosecuting certain sexual offenses; to amend Titles 19 and 49 of the Official Code of Georgia Annotated, relating to domestic relations and social services, respectively, so as to expand the definition of prostitution; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, is amended by revising Code Section 16-6-9, relating to prostitution, as follows:

"16-6-9.

A person who is 16 years of age or older commits the offense of prostitution when he or she performs or offers or consents to perform a sexual act, including but not limited to sexual intercourse or sodomy, for money or other items of value."

SECTION 2.

Said chapter is further amended by revising subsection (a) of Code Section 16-6-16, relating to masturbation for hire, as follows:

"(a) A person who is 16 years of age or older, including a masseur or masseuse, commits the offense of masturbation for hire when he or she erotically stimulates the genital organs of another, whether resulting in orgasm or not, by manual or other bodily contact exclusive of sexual intercourse or by instrumental manipulation for money or the substantial equivalent thereof."

SECTION 3.

Said chapter is further amended by adding a new Code section to read as follows:

"16-6-26.

The inability to prosecute any person involved in an alleged act of prostitution shall not bar prosecution of any other party charged with a violation of this chapter nor serve as a defense to such crime."

SECTION 4.

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended by revising paragraph (4) of subsection (b) of Code Section 19-7-5, relating to reporting of child abuse, as follows:

"(4) 'Sexual exploitation' means conduct by any person who allows, permits, encourages, or requires that child to engage in:

(A) Prostitution, as defined in Code Section 16-6-9, notwithstanding the age of the child or the inability to prosecute the child for such offense; or

(B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in Code Section 16-12-100."

SECTION 5.

Said title is further amended by revising paragraph (12) of Code Section 19-15-1, relating to definitions relative to child abuse, as follows:

"(12) 'Sexual exploitation' means conduct by any person who allows, permits, encourages, or requires that child to engage in:

(A) Prostitution, as defined in Code Section 16-6-9, notwithstanding the age of the child or the inability to prosecute the child for such offense; or

(B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in Code Section 16-12-100."

SECTION 6.

Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended by revising paragraph (6) of subsection (a) of Code Section 49-5-40, relating to definitions relative to child abuse and deprivation records, as follows:

"(6) 'Sexual exploitation' means conduct by any person who allows, permits, encourages, or requires that child to engage in:

(A) Prostitution, as defined in Code Section 16-6-9, notwithstanding the age of the child or the inability to prosecute the child for such offense; or

(B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in Code Section 16-12-100."

SECTION 7.

60 All laws and parts of laws in conflict with this Act are repealed.